

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 16-2509 MCA

Vs.

TIMOTHY MICHAEL DAUK,

Defendant.

**UNOPPOSED MOTION TO TERMINATE SUPERVISED RELEASE
DUE TO THE DEATH OF THE DEFENDANT**

COMES NOW Assistant Federal Public Defender Brian A. Pori, counsel of record for the Defendant Timothy Michael Dauk, and with the prior approval of counsel for the United States, Assistant United States Attorney Kyle Nayback and Mr. Dauk's Supervising Probation Officer, United States Probation Officer Joseph Galino, to respectfully request that this Honorable Court terminate supervised release in this matter and close this case because of the recent death of Mr. Dauk.

In support of this Unopposed Motion counsel states:

1. Defendant Timothy Michael Dauk was under supervision in this District, following his conviction for a felony offense in the District of Minnesota and a transfer of jurisdiction to New Mexico for the period of Mr. Dauk's supervised release. (Doc. 1.)

2. During his term of supervision in this District, Mr. Dauk struggled with mental health issues including depression, paranoia and drug addiction.

3. Mr. Dauk's supervising Probation Officer, Joseph Galino, has confirmed that Mr. Dauk recently committed suicide.

4. Counsel respectfully requests that supervision in this case be terminated and that the matter be closed in light of Mr. Dauk's death.

5. Assistant United States Attorney Kyle T. Nayback, counsel of record for the United States, has been informed of this Motion and Mr. Nayback reports that he does not oppose the request to terminate supervision and close this matter.

WHEREFORE, for all of the foregoing reasons, counsel for Defendant Timothy Dauk respectfully requests that this Honorable Court terminate supervised release and close this case in light of Mr. Dauk's recent death.

Respectfully Submitted,

/s/ Brian A. Pori filed electronically 8/21/17

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Counsel for Timothy Dauk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2017, I filed the foregoing Unopposed Motion through the CM/ECF system, which caused a copy of the pleading to be served electronically on opposing counsel of record addressed as follows:

Kyle T. Nayback, Esq.
Assistant United States Attorney
P.O. Box 607
Albuquerque, New Mexico 87103

/s/ filed electronically 8/21/17
Brian A. Pori